

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 FRANKIE GONZALES,  
13 WAYNE JOHNSON,  
14 ANDREW NOEL,  
15 THERON PARKER, and  
16 WILLIAM SECOR

17 Defendants.

Case No. CR07-5656 JKA

**ORDER REGARDING PENDING  
MOTIONS**

18 This matter comes before the court on motion of defendant Noel, to continue the currently scheduled  
19 motions hearing date of January 29 (Dkt#105). Defendant Noel asks that a new date be scheduled to hear each  
20 defendants dispositive motions *not requiring an evidentiary hearing*. The motion is joined in by defendants:  
21 Gonzales (#104); Johnson (#108); Parker:(#106); defendant Secor not responding, and the plaintiff has  
22 responding in support of the motion (#107).

23 The court had earlier established a pre-trial motions cut off date of January 18, 2008. Accordingly, the  
24 court assumes that all pre-trial motions have been filed. The pending motions, in the order filed, are as  
25 follows:

- 26 1. Motion in Limine or in the alternative to Suppress Evidence (defendant Noel – #52).
- 27 2. Motion to Dismiss Count Two of Indictment (defendant Noel – #55).
- 28 3. Motion to Dismiss Count One of Indictment (defendant Noel – #61).
4. Motion to File Amicus Brief (plaintiff – #75).

5. Motion to File Overlength Brief (defendant Noel – #76).
6. Motion to Suppress Statements (defendant Johnson – #81).
7. Motion to Suppress Statements (defendant Secor – #84).
8. Motion to Dismiss Indictment (defendant Johnson – #86).
9. Motion to Dismiss Count Three of Indictment (defendant Noel – #90).
10. Motion to Suppress Statements (defendant Parker – #95).
11. Motion to Dismiss Counts II or III (defendant Parker – #98).
- 12..Motion to Dismiss based on Double Jeopardy (defendant Noel – #101).
13. Motion to Continue Motions Hearing (defendants – #105).

For the most part, all defendants have joined in those motions of co-defendants in which the benefit of prevailing would inure to the benefit of the joining party. **If the court has mischaracterized or failed to list any pending motion counsel filing the motion should notify the court within 5 days of the date of this order.**

**The court, having reviewed all materials submitted to date, and being fully advised in the premises orders as follows:**

**WITH THE EXCEPTION OF *Motion to File Amicus Brief (#75) and Motion to Continue Motions Hearing Date (#105) – both of which the court hereby GRANTS*, the January 29, 2008 hearing date regarding pre-trial motions is continued to February 19<sup>th</sup> and 20<sup>th</sup>, 2008. The court is scheduling the hearing for two full days in order that all pending motions (including evidentiary hearings) may be resolved at that time. All parties and counsel are to be present.**

January 23, 2008

/s/ J. Kelley Arnold  
J. Kelley Arnold, U.S. Magistrate Judge